

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 01-688-CR-GOLD/Simonton

UNITED STATES OF AMERICA,

Plaintiff,

VS.

MANUEL DE JESUS FLORIAN,

Defendant.

**ORDER AFFIRMING MAGISTRATE JUDGE'S
REPORT & RECOMMENDATION**

This matter came before this Court pursuant to the defendant's duplicate motions for specific performance of the plea agreement [DE 33 and DE 34]. A review of the docket sheet in this cause reveals the following:

1) On March 25, 2005, the defendant's motion for specific performance of the plea agreement [DE 33] was referred to Magistrate Judge Andrea M. Simonton.

2) On August 10, 2005 and August 18, 2005, an evidentiary hearing was held on the motion.

3) On March 30, 2007, Magistrate Judge Andrea M. Simonton issued a Report and Recommendation in which she recommends that the defendant's motions for specific performance of the plea agreement be denied.

4) The parties were permitted ten days from the date of service of the Report and Recommendation within which to serve and file written objections, if any, for consideration by this Court. A review of the docket sheet reveals that neither party has filed objections.

After a *de novo* review of all of the submissions of the parties and the record in this case, it is hereby

ORDERED AND ADJUDGED as follow:

1) This Court hereby adopts and affirms the Report and Recommendation of the Magistrate Judge, along with all of its findings of fact and conclusions of law.

2) The defendant's duplicate motions for specific performance of the plea agreement [DE 33 and 34] are **DENIED**.

U.S.A. VS. FLORIAN, CASE NO. 01-688-CR-GOLD

DONE AND ORDERED at Miami, Florida, this 7
day of May, 2007.



UNITED STATES DISTRICT JUDGE
ALAN S. GOLD

cc: Magistrate Judge Andrea M. Simonton

AUSA Karen E. Gilbert

William M. Norris, Esquire

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